PATENT

Appl. No. 09/848,990 Amdt. dated January 24, 2005 Reply to Office Action of September 24, 2004

REMARKS/ARGUMENTS

Status of the Claims

Upon entry of the present amendment, claims 1, 3, 6, 7, 10-13, 34-36 and 38-41 are amended. Claims 2, 4-5, and 14-33 are canceled without prejudice to renewal. New claims 42-48 are added.

Claim 1 is amended to set forth a method for reducing expression of a mammalian SREBP-1 gene, and to set forth that the antagonist is an oxysterol. Support for administering an antagonist is found, for example, on page 9, lines 4-6 and 29-32. Support for oxysterol is found, for example, on page 9, lines 23-25, page 19, lines 5-6, and page 27, lines 24-25.

Claim 3 is amended to set forth that the modulator inhibits LXR α -mediated expression.

Claim 6 is amended to correctly depend from pending Claim 1, and to correct antecedent basis by changing "modulator compound" to "antagonist."

Claim 7 is amended to depend from Claim 6.

Claims 10 and 11 are amended to eliminate recitation of the phrase "the modulator compound is an antagonist of LXR α and."

Claim 12 is amended to set forth that the modulator compound comprises at least one of LXR α antagonist and LXR α agonist activity that promotes or inhibits LXR α -mediated expression of an SREBP-1 gene. Support for agonist is found, for example, on page 5, line 32 through page 6, line 6; page 38, lines 6-9 and in Figure 8. Support for antagonist is found, for example, in originally filed claim 5, on page 9, lines 4-6 and 29-32, on page 10, lines 22-25 and on page 42, lines 24-25.

Claim 13 is amended to correct a typographical error.

Claims 34-36 and 38-41 are amended to set forth a method for ameliorating a condition associated with abnormally high SREBP-1 expression in a mammal and that the

antagonist is an oxysterol. Support is found, for example, on page 9, lines 27-29, page 12, lines 23-25, page 19, lines 5-6, and page 27, lines 24-25.

New claim 42 sets forth that the condition associated with abnormally high SREBP-1 expression is pancreatitis. Support is found, for example, on page 1, line 17.

New claim 43 sets forth that the modulator compound comprises an agonist of LXR α . Support is found, for example, in originally filed claim 2, on page 9, lines 9-11, and in Examples A and B on page 33, line 15 through page 34, line 8.

New claim 44 sets forth that the modulator compound promotes or inhibits $LXR\alpha$ -mediated expression of the SREBP-1c transcript. Support is found, for example, in originally filed claim 3, on page 4, lines 6-9, on page 9, lines 25-32, and in Example C on page 34, lines 9-16.

New claim 45 sets forth that the modulator compound is 24,25-epoxycholesterol. Support is found, for example, in Examples A and B on page 33, line 15 through page 34, line 8, and in Figures 2-3.

New claim 46 sets forth that the modulator compound comprises an antagonist of LXR α and inhibits LXR α -mediated expression of the SREBP-1 gene. Support is found, for example, in originally filed claim 5, on page 9, lines 4-6 and 29-32, and on page 42, lines 24-25.

New claim 47 sets forth a method of increasing triglyceride levels in a mammal by administering an effective amount of an agonist of LXR α . Support is found, for example, on page 5, line 32 through page 6, line 6; page 38, lines 6-9 and in Figure 8.

New claim 48 sets forth that the agonists are selected from the group consisting of an oxysterol, *N*-methyl-*N*-[4-(2,2,2-trifluoro-l-hydroxy-1-trifluoromethyl-ethyl)-phenyl]benzenesulfonamide (T0314407), N-(2,2,2-trifluoro-ethyl)-*N*-[4-(2,2,2-trifluoro-l-hydroxy-1trifluoromethyl-ethyl)-phenyl]-benzenesulfonamide (T0901317), and mixtures thereof. Support is found, for example, on page 37, lines 5-14 and in Figure 6A and 6B.

New claim 49 sets forth a method of decreasing triglyceride levels in a mammal by administering an effective amount of an antagonist of LXRα. Support is found, for example, in originally filed claim 5, on page 9, lines 4-6 and 29-32, and on page 42, lines 24-25.

Rejections under 35 U.S.C. § 112, first paragraph, enablement requirement

A. Recitation of "modulation"

The Examiner has rejected claims 1-13 and 34-41 as allegedly failing to meet the enablement requirements under Section 112, first paragraph, because the claims allegedly fail to recite a specific therapeutic goal or a specific therapeutic treatment. The Examiner further asserts that modulating expression, which encompasses promoting or inhibiting expression are actions in opposite directions. Claims 1, 12 and 34 are independent.

Applicants address this rejection also as it may apply to new claims 42-46.

Claims 1-11

In view of the amendment to independent claim 1, which now recites a method for reducing expression of a mammalian SREBP-1 gene, this rejection applied to claims 1-11 is rendered moot. Claim 1, and claims 3 and 6-11 which depend therefrom, set forth a specific therapeutic goal of reducing expression of a mammalian SREBP-1 gene by administering an antagonist of LXR α that inhibits LXR α -mediated expression of a SREBP-1 gene.

Claims 12-13 and 43-46

The Examiner objects to the recitation of "modulating" and "modulator," stating that promoting or inhibiting expression of a mammalian SREBP-1 gene are actions in opposite directions.

This rejection is respectfully traversed, first because amended independent claim 12 sets forth the specific therapeutic goal of modulating the triglyceride levels in a mammal. Whereas hypertriglyceridemia was a commonly understood pathological condition as of the May 3, 2000 priority date of the instant application, hypotriglyceridemia was also a recognized pathological condition as of May 3, 2000 (*see, for example, Wang, et al.,* (1995) *J Surg Res* 59:326; Brown (1995) *Med Hypotheses* 45:91; Maeda, *et al.,* (1994) *J Biol Chem* 269:23610; Gouache, *et al.,* (1991) *J Nutr* 121:653; and Camus, *et al.,* (1988) *Biochim Biophys*

Acta 961:53, attached as Exhibit A). Therefore, depending on the pathological condition of an individual, both raising abnormally low or lowering abnormally high triglyceride levels is a specific and legitimate therapeutic goal.

Second, the present invention has identified that molecules that function as agonists and/or antagonists of a LXRα receptor can be used to modulate triglyceride levels in a mammal, as needed. Actions of promoting and inhibiting are not entirely opposite in biological systems, because numerous drugs, including sterol receptor ligands, can act simultaneously as partial antagonists and partial agonists (*see, for example,* Somjen, *et al.*, (2004) *J Steroid Biochem Mol Biol* 91:147; Galbiati, *et al.*, (2002) *J Pharmacol Exp Ther* 300:802; Vaisanen, *et al.*, (2002) *J Mol Biol* 315:229; Bula, *et al.*, (2000) 14:1788; and Bryant, *et al.*, (1998) *Proc Soc Exp Biol Med* 217:45; attached as Exhibit B). Furthermore, chemically similar modulating compounds can bind to the same receptor and function as an agonist, an antagonist or both. For example, 27-hydroxycholesterol can function as an LXR antagonist (Davies, *et al.*, (2004) *J Biol Chem*, Nov. 16, attached as Exhibit C) and 24,25-epoxycholesterol can function as an LXR

Further, the instant specification provides extensive guidance to those of ordinary skill in the art to identify oxysterol antagonists and/or agonists of LXR α that modulate the expression of SREBP-1. For Example, Section A of the Preferred Embodiments, on page 9, line 16 through page 19, line 18, teaches direct and displacement assays to identify compounds that alter the interaction between LXR α and ligands of LXR α (Section A1, page 12, line 3 through page 17, line 14), and cell-based assays to identify compounds that modulate SREBP-1 expression (Section A2, page 17, line 15 through page 19, line 18). Using these assays, one can readily screen without undue experimentation any of a number of different compounds to identify compounds that modulate SREBP-1 expression.

Because amended independent claim 12 sets forth a specific therapeutic goal and because it is a common pharmacological phenomenon well known to those of ordinary skill in the art that a single compound can simultaneously function as an antagonist and an agonist, the

Examiner is respectfully requested to withdraw this rejection, as it applies to claims 12-13 and 43-46.

Claims 34-42

As this rejection applies to claims 34-41, Applicants respectfully traverse because independent claim 34 sets forth the specific therapeutic goal of ameliorating a condition associated with abnormally high SREBP-1 expression by administering a therapeutically effective amount of a LXR α antagonist. No undue experimentation is involved in practicing the methods of claims 34-42, because the pathological condition of abnormally high SREBP-1 expression can be clearly identified by those of skill in the art and the step for treating the identified pathological condition with an antagonist is also clear and predictable, with a reasonable expectation of success.

B. <u>Recitation of "compound that promotes or inhibits LXR α -mediated expression of the</u> SREBP-1 gene" or "LXR α antagonist"

The Examiner has rejected claims 1-3, 5-13 and 34-41 as not enabled for reciting the allegedly merely functional language of a "compound that promotes or inhibits LXR α -mediated expression of the SREBP-1 gene" in claims 1 and 12, or an "LXR α antagonist" in claim 34. Claim 4, which recites administering 24,25-epoxycholesterol, has not been included in this rejection.

Applicants render this rejection moot by amending claims 1 and 12 to set forth that the modulator compound is an oxysterol, and by amending claim 34 to recite that the LXR α antagonist is an oxysterol. The specification teaches the use of oxysterols in the claimed methods (*see*, *e.g.*, page 9, lines 27-29, page 12, lines 23-25, page 19, lines 5-6, and page 27, lines 24-25). The Examiner agrees that the present specification teaches the use of oxysterols in the present methods (*see*, page 7, lines 19-21 and page 9, lines 14-15 of the Official Action mailed September 24, 2004).

In view of the foregoing arguments, the Examiner is respectfully requested to withdraw these rejections.

Rejection under 35 U.S.C. § 102(a)

A. Alleged anticipation in view of Medina

The Examiner has rejected claims 1-3, 5-13 and 34-41 as allegedly anticipated by Medina, *et al.* (WO 99/10320) ("Medina"). Claim 4, which recites administering 24,25-epoxycholesterol, has not been included in this rejection.

This rejection is rendered moot by amending independent claims 1, 12 and 34 to set forth administering an oxysterol. For the same reason, this rejection does not apply to newly added independent claim 48.

This rejection does not apply to newly added claims 47 and 48, which are directed to methods of increasing triglyceride levels in a mammal and for promoting expression of a mammalian SREBP-1 gene. Medina does not disclose or suggest any substituted benzene compound that increases triglyceride levels in a mammal.

B. Alleged anticipation in view of Dollis

The Examiner has rejected claims 1-7 as allegedly anticipated by Dollis, *et al.* (1994) *Biochem Pharmacol* 48:49.

This rejection is rendered moot by amending independent claim 1 to set forth a method for reducing expression of a mammalian SREBP-1 gene by administering an antagonist of LXR α that inhibits LXR α -mediated expression. As taught in the instant specification, 24,25-epoxycholesterol promotes LXR α -mediated expression.

C. Alleged anticipation in view of Sato

The Examiner has rejected claims 1-7 as allegedly anticipated by Sato, *et al.* (1984) *Chem Pharm Bull* 32:3305.

This rejection is rendered moot by amending independent claim 1 to set forth a method for reducing expression of a mammalian SREBP-1 gene by administering an antagonist of LXR α that inhibits LXR α -mediated expression.

Double-Patenting Rejections

A. Claims 39-42 of U.S. Patent No. 6,316,503

The Examiner has rejected claims 1-3, 5-13 and 34-41 as allegedly obvious over co-owned U.S. Patent No. 6,316,503. Claim 4, which recites administering 24,25-epoxycholesterol, has not been included in this rejection.

This rejection is rendered moot by amending independent claims 1, 12 and 34 to set forth administering an oxysterol.

B. Claims 1, 17, and 25-27 of U.S. Patent No. 6,388,131

The Examiner has rejected claims 1-3, 5-13 and 34-41 as allegedly obvious over co-owned U.S. Patent No. 6,388,131. Claim 4, which recites administering 24,25-epoxycholesterol, has not been included in this rejection.

This rejection is rendered moot by amending independent claims 1, 12 and 34 to set forth administering an oxysterol.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully Abmitted a Garrettlackows eni 37,330

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Potential alterations in lipid metabolism in the early stage of acute liver failure are poorly elucidated. In the present study, acute liver failure was induced by subtotal hepatectomy (90%) in the rat in order to investigate early alterations in lipid contents in blood, hepatocytes, and enterocytes. Hypocholesterolemia and hypotriglyceridemia appeared 2 and 6 hr following subtotal hepatectomy. Plasma levels of high density lipoprotein-cholesterol were significantly lower in rats with acute liver failure than in controls, which may be associated with hypocholesterolemia. An increase in erythrocyte phospholipids and triglycerides was seen from 2 hr on after hepatectomy. The content of phospholipids and triglycerides was reduced in isolated enterocytes from the proximal small intestine and increased in enterocytes from the distal small intestine. Isolated hepatocytes from the remnant liver exhibited an increase in phosphatidylethanolamine and a decrease in phosphatidylinositol. Levels of enterocyte phosphatidylserine were elevated in both the proximal and the distal small intestine. The recognition of lipid alterations in the intestine-liver-systemic circulation axis in the early stage of acute liver failure may be beneficial in improving the recovery from acute liver failure.

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Therefore, their present study, from licorice r activities. Sim (ECV-304; E3 Raloxifene inh similar to E2 s heart (Lv). Gla cells, with no i mechanism of stimulation at at high doses a differently that other hand, der	d that the overal acement therapy re is an urgent n we tested the ef root: glabridin, t hilar to estradiol- 804) and had a b hibited gla as we stimulated the sp abrene (glb), on inhibition by ral action of glb, c low doses was u as well as inhibi in E2 or gla, but	Il heart risk ex of for an average heed for new ffects on vasce the major isof -17beta (E2), bi-phasic effece ell as E2 activit the other har loxifene, sugg ells were pre- unchanged but tion of CK st similarly to r y estrogenic a	cceeded benefi ge of five years agents with tiss ular tissues in flavan, and glal glabridin (gla) ct on proliferativities. In anima y of creatine kind, had only the gesting a differ- incubated with at there was about the imulation by be raloxifene, beir ctivity. Therefore	ts from use of s among hea sue-selective vitro and in brene, an isco stimulated ion of huma studies, bo inase (CK) i e stimulatory ent mechani n glb and the olishment of oth E2 and b ng a partial a ore, we sugg	of combine lthy postmu- e activity w vivo of two flavene, bo DNA synth n vascular : th intact fe n aorta (Act y effect on sm of action of action the inhibit by gla. We gonist/anta est the use	ed estrogen ar enopausal US vith no deleter o natural com oth demonstra- nesis in huma smooth musc males or afte o) and in left DNA synther on. To further to either E2 of tion of VSMO conclude that agonist of E2.	nd progestin S women. rious effect apounds der ated estrogen endothelic ele cells (VS r ovariecto ventricle of sis in vascu elucidate f or to gla; th C cell prolifi t glb behav Glabridin, or without J	n as rived en-like ial cell SMC). my, gl f the ilar ihe ilar feratio ed , on th E2 as a
	Raloxifene in similar to E2 s heart (Lv). Gl cells, with no mechanism of stimulation at at high doses differently tha	Raloxifene inhibited gla as we similar to E2 stimulated the sp heart (Lv). Glabrene (glb), on cells, with no inhibition by ra mechanism of action of glb, c stimulation at low doses was at high doses as well as inhibit differently than E2 or gla, but other hand, demonstrated only	Raloxifene inhibited gla as well as E2 activ similar to E2 stimulated the specific activit heart (Lv). Glabrene (glb), on the other har cells, with no inhibition by raloxifene, sugg mechanism of action of glb, cells were pre- stimulation at low doses was unchanged bu at high doses as well as inhibition of CK st differently than E2 or gla, but similarly to r other hand, demonstrated only estrogenic a	Raloxifene inhibited gla as well as E2 activities. In anima similar to E2 stimulated the specific activity of creatine k heart (Lv). Glabrene (glb), on the other hand, had only th cells, with no inhibition by raloxifene, suggesting a differ mechanism of action of glb, cells were pre-incubated with stimulation at low doses was unchanged but there was ab at high doses as well as inhibition of CK stimulation by b differently than E2 or gla, but similarly to raloxifene, bein other hand, demonstrated only estrogenic activity. Theref	Raloxifene inhibited gla as well as E2 activities. In animal studies, bo similar to E2 stimulated the specific activity of creatine kinase (CK) i heart (Lv). Glabrene (glb), on the other hand, had only the stimulator cells, with no inhibition by raloxifene, suggesting a different mechani mechanism of action of glb, cells were pre-incubated with glb and the stimulation at low doses was unchanged but there was abolishment of at high doses as well as inhibition of CK stimulation by both E2 and t differently than E2 or gla, but similarly to raloxifene, being a partial a other hand, demonstrated only estrogenic activity. Therefore, we sugg	Raloxifene inhibited gla as well as E2 activities. In animal studies, both intact fe similar to E2 stimulated the specific activity of creatine kinase (CK) in aorta (Ac heart (Lv). Glabrene (glb), on the other hand, had only the stimulatory effect on cells, with no inhibition by raloxifene, suggesting a different mechanism of action mechanism of action of glb, cells were pre-incubated with glb and then exposed stimulation at low doses was unchanged but there was abolishment of the inhibit at high doses as well as inhibition of CK stimulation by both E2 and by gla. We differently than E2 or gla, but similarly to raloxifene, being a partial agonist/anta other hand, demonstrated only estrogenic activity. Therefore, we suggest the use	Raloxifene inhibited gla as well as E2 activities. In animal studies, both intact females or after similar to E2 stimulated the specific activity of creatine kinase (CK) in aorta (Ao) and in left heart (Lv). Glabrene (glb), on the other hand, had only the stimulatory effect on DNA synthe- cells, with no inhibition by raloxifene, suggesting a different mechanism of action. To further mechanism of action of glb, cells were pre-incubated with glb and then exposed to either E2 stimulation at low doses was unchanged but there was abolishment of the inhibition of VSMC at high doses as well as inhibition of CK stimulation by both E2 and by gla. We conclude tha differently than E2 or gla, but similarly to raloxifene, being a partial agonist/antagonist of E2	(ECV-304; E304) and had a bi-phasic effect on proliferation of human vascular smooth muscle cells (VS Raloxifene inhibited gla as well as E2 activities. In animal studies, both intact females or after ovariector similar to E2 stimulated the specific activity of creatine kinase (CK) in aorta (Ao) and in left ventricle of heart (Lv). Glabrene (glb), on the other hand, had only the stimulatory effect on DNA synthesis in vascu cells, with no inhibition by raloxifene, suggesting a different mechanism of action. To further elucidate t mechanism of action of glb, cells were pre-incubated with glb and then exposed to either E2 or to gla; th stimulation at low doses was unchanged but there was abolishment of the inhibition of VSMC cell prolif at high doses as well as inhibition of CK stimulation by both E2 and by gla. We conclude that glb behave differently than E2 or gla, but similarly to raloxifene, being a partial agonist/antagonist of E2. Glabridin, other hand, demonstrated only estrogenic activity. Therefore, we suggest the use of glb with or without E new agent for modulation of vascular injury and atherogenesis for the prevention of cardiovascular disea

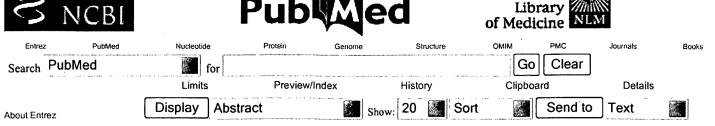
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Effects of 3-phenyl-4-[[4-[2-(1-piperidinyl)ethoxy]phenyl]methyl]- 2H-1-benzopyran-7-ol (CHF 4056), a novel nonsteroidal estrogen agonist/antagonist, on reproductive and nonreproductive tissue.

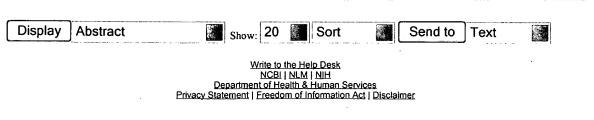
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Galbiati E, Caruso PL, Amari G, Armani E, Ghirardi S, Delcanale M, Civelli M.

Department of Pharmacology, Chiesi Pharmaceuticals S.p.A., Parma, Italy.

We have discovered a new, nonsteroidal, estrogen agonist/antagonist, 3-phenyl-4-[[4-[2-(1-piperidinyl)ethoxy] phenyl] methyl]-2H-1-benzopyran-7-ol (CHF 4056). The aim of this study was to determine the effects of CHF 4056 on a series of parameters (body weight, uteri, serum cholesterol, and bones) that were previously shown to be sensitive to estrogens and to selective estrogen receptor modulators (SERMs). CHF 4056 is a benzopyran derivative that binds with high affinity to the human estrogen receptors alpha and beta (dissociation constant K (i) of 0.041 and 0.157 nM, respectively). In immature rats, CHF 4056 induced a full estrogen antagonism (halfmaximal efficacious dose = 0.33 mg/kg x day p.o.) coupled with a lack of uterine stimulatory activity, whereas the structurally related SERM levormeloxifene demonstrated a maximal partial agonist effect of approximately 65% that of 17alpha-ethynyl estradiol (EE2). In ovariectomized (OVX) rats, CHF 4056 (0.1-1 mg/kg x day p.o. for 4 weeks) significantly reduced OVX-induced bone loss in the lumbar spine L1-4 and OVX-induced increase in serum osteocalcin. These protective effects on bone tissue were comparable with those of 0.1 mg/kg x dayEE2. In the same experimental conditions, serum cholesterol was significantly lower in the CHF 4056-treated animals, compared with vehicle-treated OVX rats. In line with the results observed in immature rats, also in OVX rats CHF 4056 diverged dramatically from EE2 and levormeloxifene in its lack of significant estrogenic effects on uterine tissue. In conclusion, CHF 4056 is a new SERM that produces beneficial effects on bone and cholesterol levels, while maintaining antagonist effects on the uterus.

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					159222, the role of hel igated. Amino acid resi		
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Department of Biochemistry, University of California-Riverside, 92521, USA.

(23S)-25-dehydro-1alpha-Dihydroxyvitamin D3-26,23-lactone (TEI-9647; MK) has been reported to antagonize the lalpha,25-dihydroxyvitamin D3 nuclear receptor (VDR)- mediated increase in transcriptional activity. Using a transient transfection system incorporating the osteocalcin VDRE (vitamin D response element) in Cos-1 cells, we found that 20 nM MK antagonizes VDR-mediated transcription by 50% when driven by 1 nM 1alpha,25(OH)2D3. Four analogs of 1alpha,25(OH)2D3, also at 1 nM, were antagonized 25 to 39% by 20 nM MK. However, analogs with 16-ene/23-yne or 20-epi modifications, which have a significantly lower agonist ED50 for the VDR than lalpha,25(OH)2D3, were antagonized by 20 nM MK only at 100 pM or 10 pM, respectively. One possible mechanism for antagonism is that the 25-dehydro alkene of MK might covalently bind the ligand-binding site of the VDR rendering it inactive. Utilization of a ligand exchange assay, however, demonstrated that MK bound to VDR is freely exchanged with 1alpha,25(OH)2D3 in vitro. These data support the apparent correlation between VDR transcriptional activation by agonists and the effective range of MK antagonism by competition. Furthermore, protease sensitivity analysis of MK bound to VDR indicates the presence of a unique conformational change in the VDR ligand-binding domain, showing a novel doublet of VDR fragments centered at 34 kDa, whereas lalpha,25(OH)2D3 as a ligand produces only a single 34-kDa fragment. In comparison, the natural metabolite lalpha,25-dihydroxyvitamin D3-26,23-lactone yields only the 30-kDa fragment that is produced by all ligands to varying degrees. Collectively, these results support that MK is a potent partial antagonist of the VDR for lalpha,25(OH)2D3 and its analogs when in appropriate excess of the agonist.

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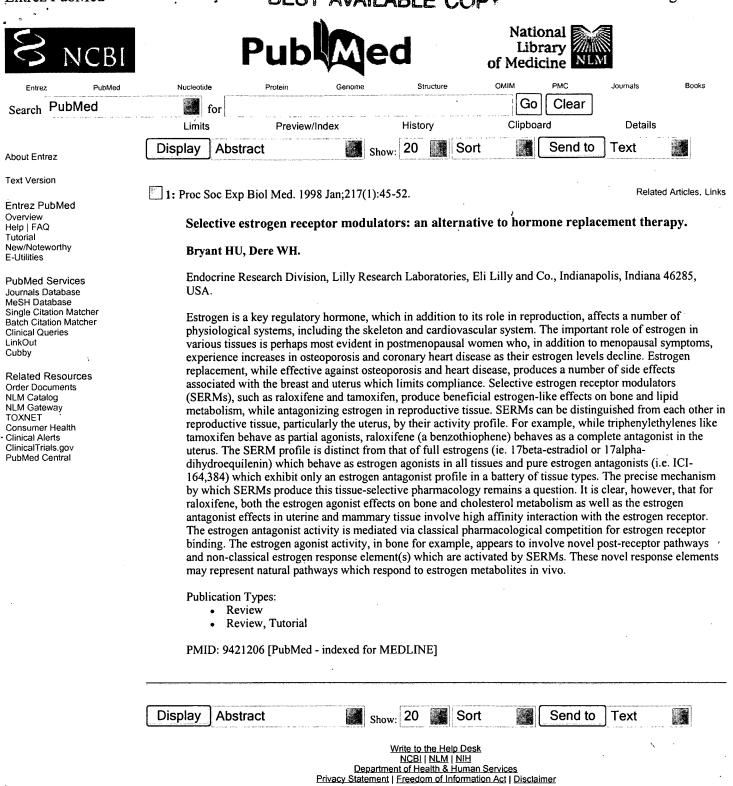
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